Group I (claims 1 to 3), drawn to a polypeptide;

Group II (claims 4 to 7), directed to methods of screening with the polypeptide of group I;

Group III (claims 8 to 10), directed to a peptide fragment corresponding to residues 90 to 138 of the group I polypeptide;

Group IV (claims 11 to 14), directed to methods of screening using the group III peptide fragment;

Group V (claims 15 and 16), directed to a peptide fragment corresponding to residues 196 to 246 of the group I polypeptide; and

Group VI (claims 17 to 20), directed to methods of screening using the group V peptide fragment.

Applicants elect with traverse group I directed to the polypeptide. The requirement is traversed because applicants do not think the groups represent "separate and distinct" inventions required by 37 C.F.R. § 1.141 (a). A search of the sequence should lead to the references applicable to the others, which are polypeptide fragments or methods of screening with the polypeptide its fragments. Thus, the claims have "a community of properties justifying their grouping which [is] not repugnant to principles of scientific classification" [*In re Harnish*, 631 F.2d 716, 206 U.S.P.Q. 300, 305, (C.C.P.A. 1980)]. In general, an applicant is supposed to have a "right to define what he regards as his invention as he chooses, so long as his definition is distinct" [*ibid.*]. That court and its successors have long recognized the advantages to the public interest in permitting applicants to claim all aspects of the invention so as to encourage the making of a more detailed disclosure of all aspects of their discovery.

> We believe the constitutional purpose of the patent system is promoted by encouraging applicants to claim, and therefore to describe in the manner required by 35 U.S.C. § 112, all aspects of what they regard as their inventions, regardless of the number of statutory classes involved.
>
> *In re Kuehl*, 177 U.S.P.Q. 250, 256 (C.C.P.A. 1973).

It shouldn't be an undue burden to examine one polypeptide sequence, particularly as this is a continuation-in-part application which had polypeptide, fragment, and method allowed. On the other hand, requiring applicants to pay filing fees, prosecution costs, issue fees, and maintenance fees for multiple patents for one invention claiming human occludin *is* an undue burden for applicants, who qualify for small entity status. For these reasons, applicants respectfully request that the requirement for restriction be withdrawn.

If the undersigned can advance the prosecution of the application in any way, she is invited to call the undersigned at the number set out below.

Respectfully submitted,

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